

Delaware

A. STATE-AT-A-GLANCE

1)	Program Operation	State-operated by Delaware Division of Child Support Enforcement
2)	Number of Local Offices (excluding Agencies under Cooperative Agreements)	Three
3)	Type of Agencies with Cooperative Agreements	Family Court; Departments of Justice and Labor; Division of Social Services
4)	Uniform Interstate Family Support Act	Yes
5)	Agreements With Tribal Entities	No
6)	Age of Majority for Termination of Support	18. If a child over 18 is still enrolled in high school, child support terminates when child receives a high school diploma or reaches age 19, whichever occurs first.
7)	Statutes of Limitation:	
	• Collection of Past Due Support	None
	• Paternity Establishment	Age of majority
	• Dormancy Revival/Renewal Possible [yes/no]	NO
1)	Guidelines	Delaware Child Support Formula (Melson)
2)	Interest Rates on	
	• Missed Payments	n/a
	• Retroactive Support	n/a
	• Adjudicated Arrearage	n/a
3)	Arrearage Collections for Non-minor Child(ren)	Yes, through income withholding and all other methods EXCEPT tax intercept
4)	Distribution Scheme	
	• AFDC Arrears	First to current support (if multiple cases, proportionately among the cases), then to Non-AFDC arrears (if multiple cases,

	proportionately among the cases), then to AFDC arrears (if multiple cases, proportionately among the cases), EXCEPT for IRS intercepted funds, which apply first to AFDC arrears
• Non-AFDC Arrears	Same as AFDC
5) Procedures Regarding Medical Support Using Income Withholding	No
6) New Hire Reporting	No
7) Recovery of Costs Elected Under State Plan	No
8) Recovery of Costs for Initiating State	Yes
9) Long-Arm Statute/s Citation/s	13 <u>Del C.</u> §610
10) Automated Locate Resources	DOT Division of Motor Vehicles, Department of Labor, Credit Bureaus, Department of Corrections, Division of Social Services, Bureau of Vital Statistics, EPLN , Department of Elections
11) Enforcement Options	
• State Income Tax Refund Intercept	Yes
• License Revocation/ Suspension	No
• Administrative Liens	Yes
• Property Seizure & Sale	No
• State Funds/Benefits (please specify)	Unemployment Insurance, Workers' Compensation
• Other (please specify)	Lottery winnings; sequestration orders on estates, awards, settlements
12) Spousal Maintenance Orders (specify yes or no)	
• Establish	Yes
• Enforce	When there is also a child support obligation

• Modify	No
13) Current Spouse/Partner Information Required	No

B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1) State Code Citation	13 <u>Del. C.</u> , Chapter 6
2) Effective Date	July 1, 1995
3) Adopted Verbatim? If no, list differences.	Yes
4) Repeal URESA?	Yes
5) Repeal IWW?	No

C. INCOME WITHHOLDING

1) Income Withholding Terminology	n/a
2) Income Withholding Procedures	
• State Withholding Limits	Consumer Credit Protection Act limits. Unemployment benefits 50%.
• Fee Charged by Employers	None
• Date to Remit	Immediately, each pay day
• Penalty	Liability for accumulated amount
3) Definition of Employer	An individual, partnership, association, corporation, trust, federal agency, state agency or political subdivision paying or obligated to pay income.
4) Included Income	Any form of payment made by the obligor's employer to an individual, regardless of source, including, but not limited to wages, salary, commission, vacation pay, severance pay, bonuses, compensation as an independent contractor, sick pay, SUB benefits, railroad retirement, unemployment compensation, workers' compensation, pensions, annuity, retirement benefits, disability income

5)	Excluded Income	Any amounts required by law to be withheld, other than creditor claims, including but not limited to, federal, state and local taxes; Social Security and other mandatory retirement and disability contributions; union dues; any amounts exempted by federal law; public assistance payments; tax refunds.
6)	Direct Income Withholding for Unemployment Compensation, include address	Yes.
7)	Direct Income for Workers' Compensation, include address	Division of Child Support Enforcment , P.O. Box 904, New castle, DE 19720
8)	Direct Income Withholding, other income sources subject to, include address	Division of Child Support Enforcment , P.O. Box 904, New castle, DE 19720
9)	Direct Income Withholding, list Other Income Sources NOT subject to	Only employers are subject to direct income withholding.
10)	Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11)	Procedures for Contesting Income Withholding	Yes
12)	Arrearages through Income Withholding	Yes
13)	Enforcing Against Non-Resident Obligor Asset/Income	No
14)	Exception to Immediate Withholding	Yes
15)	Multiple Obligations Withholding Priorities	
	• Policy	Per federal regulations
	• Priority	Income attachment for child support has priority over any other attachment, except an attachment for federal tax liens, regardless of whether such other attachment was perfected prior to the support attachment.
	• Assistance	Employer Information Services, Division of Child Support Enforcment, (302) 577-4851
	• Allocation	Applied per algorithm in automated system: first to current (proportionately among the cases), then to Non-AFDC arrears (proportionately among the cases), then to State arrears (

proportionately among the cases)

D. PATERNITY

1)	Interstate Paternity Procedures	
	Consent Orders Obtained	Yes
2)	Uniform Parentage Act	Yes
3)	Uniform Act on Blood Testing	Yes
4)	Parentage Order Available Without Order for Support	Yes
5)	Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	No
6)	Genetic Test Results as Presumption of Paternity	No
	Threshold	99%
7)	Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	Rebuttable
8)	Marriage as Presumption of Paternity	Yes
9)	Putative Father's Name on Birth Certificate, Effect of	Constitutes presumption of paternity if with putative father's consent
10)	Other Statutory Presumptions	Attempted marriage before birth; receives child into his home and openly holds out the child as his natural child for a reasonable period of time while the child is under the age of majority; acknowledges child in a writing signed under oath by both parents and filed with the Office of Vital Statistics.
11)	Recognition of Common Law Marriage	No
12)	Personal Appearance of Witness or Custodial Parent Required	No
	Acceptable Methods of Testimony	Written testimony
13)	Long-Arm Statute	Yes
14)	Assistance to Other States	Yes

Using Their Long-Arm Statutes	
• Service of Process	Yes
• Genetic Testing	Yes
15) Recovery of Genetic Testing Costs for Other States	Yes

E. SUPPORT ORDER ESTABLISHMENT

1) Interstate Procedures	Yes
2) Income Considered for Setting Support	Gross income/assets of both parties; second family involvement; inflationary factors
3) Criteria for Rebuttal	The Delaware “Melson” formula is rebuttable only by a finding on the record that an order established pursuant to the guidelines would be unjust or inappropriate.
4) Support Order for Prior Periods	Maximum two years, at discretion of Court.

F. ENFORCEMENT

(Note: If multiple orders, see Part “G”)

I. ENFORCING YOUR OWN ORDER

1) Enforcement for Non-Resident Family	No; will do wage attachment if obligor’s employer is in Delaware.
2) Administrative Procedures and Remedies Available	Federal/state income tax intercepts, lottery intercepts, Credit Bureau reporting
3) Judicial Procedures and Remedies Available with Registration	Income attachments, liens, contempt findings

II. ENFORCING OTHER STATES’ ORDERS

4) Administrative Procedures and Remedies Available Without Registration	Direct Wage Withholding
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5) Judicial/Administrative Remedies with Registration	All listed above
6) UIFSA/URESA Registration and Enforcement Procedure	Letter of transmittal; two copies (one certified) of all orders, including any modifications, to be registered; certification of arrears amount; name and identifying information regarding obligor; information concerning obligee and payment remittance information are required. Once registered, the order is enforceable in the same manner and is subject to the same procedures as an order issued by a Delaware tribunal.
7) Judicial Procedures Required after Registration	Notification to the nonregistering party.
8) Uniform Enforcement of Foreign Judgments Act Citation	13 <u>Del. C.</u> §662

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1) Jurisdiction Requirements	Delaware has personal jurisdiction or submits to Delaware's jurisdiction by consent
2) Modification Procedures	Register order in Delaware and file petition for modification, specifying grounds.
3) Criteria for Modification	Age of order
4) Criteria for Change of Circumstances	Medical expenses; income change of either party
5) Frequency With Which Reviews are Conducted	Order is at least 2 1/2 years old, unless a substantial change in circumstances was brought on by no fault of the petitioner.
6) Criteria for Review	
7) Criteria for Adjustment	

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1) Controlling Order	Issued by tribunal with continuing, exclusive jurisdiction
2) Date of Controlling Order	Most recent, if no home state and more than one tribunal would have continuing, exclusive jurisdiction
3) If No Controlling Order	Delaware issues new order
4) Arrears Procedure	

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	1.	
Establishment of Paternity and Support	<ol style="list-style-type: none"> 1. One (1) copy of the Child Support Enforcement Transmittal 2. One (1) copy of the “Uniform Support “ Petition 3. One (1) Paternity Affidavit for each child. 4. One (1) copy of the General Testimony 		
Enforcement of Responding State's Order	<ol style="list-style-type: none"> 1. One (1) copy of the Child support Enforcement transmittal 2. One (1) copy of the Delaware order 3. One (1) copy of a verified (B) delinquency calculation 		
Modification of Responding States' Orders	<ol style="list-style-type: none"> 1. One (1) copy of the Child Support Enforcement Transmittal 2. One (1) copy of the “Uniform Support “ Petition 3. One copy of General Testimony 		
Administrative Enforcement of Another States' Order	n/a		
Registration for Enforcement of Another States' Order	<ol style="list-style-type: none"> 1. One (1) copy of the Child Support Enforcement transmittal 2. Two (2) copies, one certified, of the support order and all modifications 3. One (1) copy of a verified delinquency/ arrears calculation 4. One (1) copy of a “Statement for Registration of Foreign Support Order” 5. One (1) copy of the Uniform Support Petition 		
Collection of Arrearages in Multiple Orders	<ol style="list-style-type: none"> 1. One (1) copy of the Child Support Enforcement transmittal 2. Two (2) copies, one certified, of the support order and all modifications 		

ACTION REQUESTED	DOCUMENTS NEEDED	1.	
	3. One (1) copy of a verified delinquency/ arrears calculation 4. One (1) copy of a "Statement for Registration of Foreign Support Order" 5. One (1) copy of the Uniform Support Petition		
Uniform Enforcement of Foreign Judgments Act			
Modification of Another State's Order	1. One (1) copy of the Child Support Enforcement transmittal 2. Two (2) copies, one certified (C) , of the support order and all modifications 3. One (1) copy of a verified delinquency/ arrears calculation 4. One (1) copy of a "Statement for Registration of Foreign Support Order" 5. One (1) copy of the Uniform Support Petition 6. One (1) copy of the General Testimony		
Status Update on an Existing Interstate Case	One (1) copy of the Child Support Enforcement transmittal		
Assistance/Discovery	One (1) copy of the Child Support Enforcement transmittal		
Quick Locate	One (1) copy of Locate data sheet One (1) copy of Child Support Enforcement transmittal		

**A= Notarization by Notary Public; B= Certification by signature of agency official;
 C= Certification by signature of court official; D= Others (please specify);
 E= Certification not required*

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Karryl D. Hubbard, Deputy Director Division of Child Support Enforcement P.O. Box 904 New Castle, DE 19720 (302) 577-4804 (phone) (302) 577-4873 (fax)
Central Registry	Philip Mitchell, Central Registry Supervisor Division of Child Support Enforcement P.O. Box 904 New Castle, DE 19720 (302) 577-4838 (phone) (302) 577-4066 (fax)
Interstate Policy Contact (if different)	
Contact for Information Regarding Your States Long Arm Statute and Process	Philip Mitchell, Central Registry Supervisor Division of Child Support Enforcement P.O. Box 904 New Castle, DE 19720 (302) 577-4838 (phone) (302) 577-4066 (fax)
Contact for Information Regarding Collection and Distribution (State level)	Mr. Louis West, Fiscal Administrative Officer P.O. Box 904 New Castle, DE 19720 (302) 577-4810 (phone) (302) 577-4873 (fax)

Contact to Obtain Payment Records	Division of Child Support Enforcement P.O. Box 904 New Castle, DE 19720 Attn: Accounting
Contact to Obtain Copy of Order	Same as above
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no "case" in your State) for	
<ul style="list-style-type: none"> • Service of Process (private process server? If so , list) 	Golt Adjustment Service
<ul style="list-style-type: none"> • Genetic Testing (e.g. assistance with interstate teleconferencing) 	Blood Test Coordinator Family Court P.O. Box 2359 Wilmington, DE 19899
New Hire Reporting Contact	N/A
Employer Assistance Contact	Division of Child Support Enforcement P.O. Box 904 New Castle, DE 19720 Attn: Andrew Haman
Telephone Number for Automated Interstate Case <i>Status</i> Requests (if any)	N/A
Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any)	N/A
Privatization Contact	N/A

